

STAT

DENVER POST (CO)
1 December 1981

STAT

Doubts Raised by CIA Denial of Tafoya Link

Witness Testifies Agency Wouldn't Tell Truth

By HOWARD PANKRATZ
Denver Post Staff Writer

FORT COLLINS — A ranking CIA official said Monday that Eugene Tafoya never worked for the agency and wasn't on a CIA mission when he shot a Libyan dissident in Fort Collins. However, the CIA official also said the agency would deny knowledge of such activity, if it had taken place.

Tafoya, a former Green Beret from Truth or Consequences, N.M., had finished more than two days of testimony in his own behalf at his trial on charges of attempted murder and conspiracy, when the prosecution called George Marling, the CIA's chief keeper of records for covert and clandestine missions, as a rebuttal witness.

The defense has acknowledged that Tafoya shot Faisal Zagallai twice in the head during a visit to Zagallai's apartment on Oct. 14, 1980, but Tafoya has claimed he was there on a CIA mission and the shooting was self-defense after Zagallai attacked him. The prosecution contends it was a bungled assassination attempt.

"There is no record of any use or employment of Mr. Tafoya in this or any kind of activity," Marling testified. He said CIA employment records weren't classified and he could comment on them.

As far as a covert operation in Fort Collins — specifically in connection with Zagallai — Marling said there wasn't such an operation mentioned in CIA files.

However, under questioning by defense lawyer Scott Robinson, Marling said the CIA has a "policy

of denial" when questions are asked about covert or clandestine activities and CIA personnel involved in such missions. In other words, the CIA would deny such a mission was a CIA mission or that those involved worked for the agency.

Robinson went on to question whether the CIA would publicly admit that Tafoya had worked for it if "classified" or "embarrassing" operations were involved.

Robinson claimed one CIA lawyer, Jerry Johnson, told Fort Col-

In other words, the CIA would deny such a mission was a CIA mission or that those involved worked for the agency.

—George Marling, CIA

lins authorities that, even if the CIA had hired Tafoya, they would have to deny it.

Robinson complained the defense didn't have enough money to bring Johnson to Fort Collins and, in a seemingly offhand manner, requested that Judge J. Robert Miller ask if Johnson were in the courtroom. There was Perry Mason-type gasp as a trim-looking, young man with a scarf around his neck rose to his feet and identified himself as Johnson.

Johnson is expected to take the witness stand sometime today.

Marling's testimony is critical because Tafoya has claimed he was working for a CIA agent named "John" who directed him to go to Fort Collins. Tafoya had testified that "John" told him to warn Zagallai to stop making broadcasts to the Middle East which allegedly were undermining peace between Egypt and Israel.

Zagallai, an outspoken critic of Libyan leader Moammar Khadafy, was a graduate student at Colorado State University at the time.

Earlier Monday, under questioning by prosecutor Larry Abrahamson, Tafoya claimed that his CIA contact, "John," arranged for him to go to Libya, and arranged as his "cover" employment with Edwin Wilson, a former CIA operative now under indictment for illegally shipping explosives to Libya.

Tafoya claims that while in Libya, without Wilson's knowledge, he did some spying for what he thought was the CIA.

The defense has attempted to portray Tafoya as a possible "double agent" while in Libya, and Robinson asked Marling about Wilson's connections with the CIA.

Marling said that CIA records reveal that the agencies' last business connection with Wilson was in September 1976. However, Marling, citing national security, refused to say where Wilson was at the time or describe the nature of the contact.

The prosecution alleges that Tafoya was involved in a conspiracy with an "individual or an organization associated with the Libyan government" in attempting to kill Tafoya.